

**MEMO ENDORSED**

**MICHAEL A. CARDOZO**  
Corporation Counsel

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

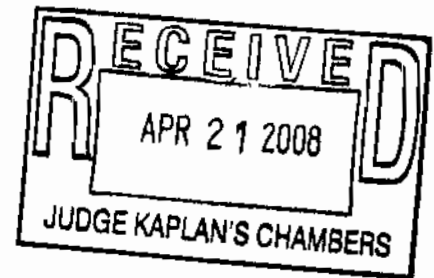
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April 9, 2008

**BY HAND**

Honorable Lewis A. Kaplan  
United States District Judge  
U.S. Courthouse  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**USDS SDNY**  
**DOCUMENT**  
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Re: Shorter v. City of New York, et al.  
07 CV 4793 (LAK)

You Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendants City of New York, Commissioner Raymond Kelly, Deputy Inspector William Aubry, and Deputy Chief Robert Boyce.<sup>1</sup> I am writing to respectfully request a sixty-day enlargement of time from April 14, 2008 until June 13, 2008 within which the parties may complete discovery in this action. Plaintiff's counsel, Leo Glickman, Esq., has consented to this request. This is the parties' second request for an enlargement of time to complete discovery in this action.

There are a myriad of reasons for this request. I was very recently re-assigned to this case as the previous Assistant Corporation Counsel has left the Law Department. In order to best serve the interests of the defendants, I respectfully request the additional time in order to familiarize myself with the case file, to conduct whatever additional investigation is necessary at this stage of litigation, to respond to outstanding discovery requests made by plaintiff, to obtain plaintiff's responses to outstanding discovery requests made by this office and to make any additional, appropriate discovery requests as I develop a legal theory of defense. Also, as Your

<sup>1</sup> On information and belief, "Captain Sprague, Lieutenant Deleon, Lieutenant Maloney, Sergeant Glassberg, Police Officer Rodriguez, Police Officer Balboni, Police Officer Aponte, Police Officer Powers, Police Officer Dejesus, [and] Kenny Rivera," who plaintiff purports to name as defendants as identified in the caption of the amended complaint, have not yet been served with the summons and complaint or amended complaint in this action.

*Noted for  
No further  
action*  
SO ORDERED  
*[Signature]*  
LEWIS A. KAPLAN, USJD

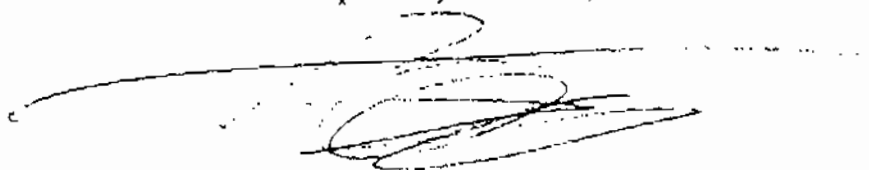
Honor is aware, we recently produced to plaintiff the names of certain New York City Police Department officers who were named as subjects in the related Community Complaint Review Board investigation. Plaintiff's counsel has since submitted a Stipulation and Order to Add Defendants in order to seek leave of this Court to file a Second Amended Complaint to add these officers as defendants. The additional time sought would allow the parties to serve and to respond to discovery requests that have been tailored to the information that only the newly identified officers can provide. Conversely, if no additional time for discovery is allowed, the information that the newly identified officers would have otherwise provided will remain unknown until trial. Moreover, the defendants have served a notice of plaintiff's deposition but have not had the opportunity to depose him. The enlargement of time would allow the defendants to conduct plaintiff's deposition and to produce the newly identified officers and/or other witnesses for any depositions that have been or will be noticed by plaintiff.

Furthermore, the additional time would allow plaintiff to serve these individual defendants, if leave is granted. The enlargement would also allow this office to determine, pursuant to Section 50-k of the New York General Municipal Law, whether we may represent them. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request for an enlargement of time until June 13, 2008 for the parties to complete discovery in this action.

Thank you for your consideration in this regard.

Respectfully submitted,



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Special Federal Litigation Division

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